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University General Counsel

RUTH I. TSUJIMURA 1860-0

Deputy General Counsel

RYAN M. AKAMINE 4358-0

Associate General Counsel

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 21 2005

at 2 o'clock and 30 min. P.M.
SUE BEITIA, CLERK

Attorneys for Defendants

UNIVERSITY OF HAWAII,

KAPI'OLANI COMMUNITY

COLLEGE, JANE CALFEE, JILL

MAKAGON (incorrectly identified

as Jill Magnagon, nka Jill Abbott)

AND MONA LEE

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JOHN MCALLISTER

Plaintiff,

v.

UNIVERSITY OF HAWAII;

KAPI'OLANI COMMUNITY

COLLEGE; JANE CALFEE, Instructor)

at Kapi'olani Community College;

RICHARD DOE, Academic Counselor)

at Kapi'olani Community College;

JILL MAGNAGON, Director of)

) CIVIL NO. CV 04 00625 JMS BMK

)

) DEFENDANTS' RULE 26

) DISCLOSURES;

) CERTIFICATE OF SERVICE

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Academic Counseling at Kapi‘olani)
Community College; MONA LEE,)
Dean of Student Services at Kapi‘olani)
Community College;)
)
Defendants.)
)

04-357/Defs Initial Disclosures

DEFENDANTS’ RULE 26 DISCLOSURES

Defendants University of Hawai‘i, Jane Calfee, Jill Makagon (incorrectly identified as Jill Magnagon, nka Jill Abbott), and Mona Lee (hereafter “Defendants”), submit their initial disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure. In making these disclosures Defendants are not waiving or abandoning the position taken or any of the arguments made in their motions for judgment on the pleadings which are set for hearing on October 3, 2005.

A. Witnesses

1. John McAllister
c/o Andre S. Wooten
1188 Bishop St., Suite 1909
Honolulu, Hawai‘i 96813
Tel: 545-4165

Plaintiff. This witness has knowledge of relevant facts.

2. Mona Lee
c/o University of Hawai‘i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110

Honolulu, Hawai'i 96822
Tel: 956-2211

Defendant. This witness has knowledge of relevant facts.

3. Jane Calfee (aka Margaret J. Calfee)
c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

Defendant. This witness has knowledge of relevant facts.

4. Jill Abbott (incorrectly identified as Jill Magnagon, fma Jill Makagon)
c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

Defendant. This witness has knowledge of relevant facts.

5. John Morton
c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

This witness has knowledge of relevant facts.

6. Leon Richards
c/o University of Hawai'i
Office of Vice President for Legal Affairs and

University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

This witness has knowledge of relevant facts.

7. Francisco Acoba
c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

This witness has knowledge of relevant facts.

8. Sheila Rhodes
c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

This witness has knowledge of relevant facts.

9. Reyna Iwamoto
c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

This witness has knowledge of relevant facts.

10. Laurie Hirohata

c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

This witness has knowledge of relevant facts.

11. Mark Alexander
c/o University of Hawai'i
Office of Vice President for Legal Affairs and
University Legal Counsel
2444 Dole Street, Room 110
Honolulu, Hawai'i 96822
Tel: 956-2211

This witness has knowledge of relevant facts.

12. Max T. Chinen
Address and telephone number unknown.

This witness has knowledge of relevant facts.

13. Jun Ho Choi
Address and telephone number unknown.

This witness has knowledge of relevant facts.

14. Riaz Hirahara
Address and telephone number unknown.

This witness has knowledge of relevant facts.

15. Derrick C. Ikehara
Address and telephone number unknown.

This witness has knowledge of relevant facts.

16. Ian s. Jingao
Address and telephone number unknown.

This witness has knowledge of relevant facts.

17. Colin W. Lau
Address and telephone number unknown.

This witness has knowledge of relevant facts.

18. Anh Q. Le
Address and telephone number unknown.

This witness has knowledge of relevant facts.

19. Katherine M. Loudon
Address and telephone number unknown.

This witness has knowledge of relevant facts.

20. Ashley A. McDonough
Address and telephone number unknown.

This witness has knowledge of relevant facts.

21. Marci K. Nagasawa
Address and telephone number unknown.

This witness has knowledge of relevant facts.

22. Jennifer h. Ohara
Address and telephone number unknown.

This witness has knowledge of relevant facts.

23. Sasha L. Sogi
Address and telephone number unknown.

This witness has knowledge of relevant facts.

24. Drusilla K. Toa
Address and telephone number unknown.

This witness has knowledge of relevant facts.

25. Tiana K. Tong
Address and telephone number unknown.

This witness has knowledge of relevant facts.

26. Bryan E. Valencia
Address and telephone number unknown.

This witness has knowledge of relevant facts.

27. Joo Hee Yamada
Address and telephone number unknown.

This witness has knowledge of relevant facts.

28. Tambrie R. Yamada
Address and telephone number unknown.

This witness has knowledge of relevant facts.

29. Erin Akemi Yamane
Address and telephone number unknown.

This witness has knowledge of relevant facts.

30. Michelle M. Young
Address and telephone number unknown.

This witness has knowledge of relevant facts.

31. Justin Hahn

Address and telephone number unknown.

This witness has knowledge of relevant facts.

32. Naomi Miyagi

Address and telephone number unknown.

This witness has knowledge of relevant facts.

33. Loga Narayanasamy

Address and telephone number unknown.

This witness has knowledge of relevant facts.

34. Kenta Hiratasuka

Address and telephone number unknown.

This witness has knowledge of relevant facts.

35. Marie Flores

Address and telephone number unknown.

This witness has knowledge of relevant facts.

B. Documents

Defendants have made available to Plaintiff for inspection and copying, as under Fed.R.Civ.P. 34, all non-privileged documents, data compilations and tangible things in Defendants' possession, custody or control that may be used by Defendant (other than solely for impeachment purposes) to support their contentions with respect to any significant factual issue in the case. The following

is a description by category of all documents, data compilations and tangible things that have been made available to Plaintiff:

1. Documents, including but not limited to correspondence, e-mails, memoranda, notes, applications, forms, agreements, Plaintiff's tax returns, relating to Plaintiff's financial aid and/or loan obligations.
2. Correspondence and pleadings relating to Plaintiff's financial aid obligations with the State of New Jersey.
3. Correspondence between U.S. Dept. of Education, Office of Civil Rights, and Kapi'olani Community College, procedures and other documents regarding investigation of complaint of alleged civil rights violations.
4. Correspondence, e-mails, notes from various individuals at Kapi'olani Community College and the University of Hawaii, including Mona Lee, John Morton, Francisco Acoba, Leon Richards, James Nishimoto, regarding Plaintiff.
5. Plaintiff's course exams.
6. Correspondence from the National Association for the Advancement of Colored People.
7. Plaintiff's student academic history and course summaries.
8. Plaintiff's resume and various certificates of completion.
9. Correspondence from Malcolm Palmer and Joan Watson at the Department of Veterans Affairs regarding Plaintiff.
10. Course syllabi and course instructions.
11. Kapi'olani Community College intake forms regarding Plaintiff, and schedules of classes.

12. Progress sheets regarding Plaintiff.
13. Kapi'o articles.
14. Kapi'olani Community College degree requirements and planning guide regarding Plaintiff.
15. Summary Faculty Class List
16. UH Community Colleges Procedures and Guidelines Relating to Complaints of Discrimination (May 1991).
17. Statements from various students regarding Plaintiff and/or Richard Doe.

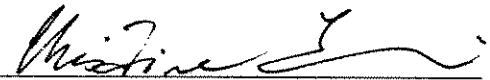
C. Damages

Defendants have not made a claim for damages in this case.

D. Insurance

Defendants are insured by National Union Fire Insurance Co. under a liability insurance policy with a limit of liability of \$10 million, subject to a \$250,000 self-retention.

Dated: Honolulu, Hawai'i, September 21, 2005.


RUTH I. TSUJIMURA
RYAN M. AKAMINE
CHRISTINE TAMASHIRO
Attorneys for Defendants
UNIVERSITY OF HAWAI'I,
KAPI'OLANI COMMUNITY
COLLEGE, JANE CALFEE, JILL
MAKAGON (incorrectly identified as
Jill Magnagon, nka Jill Abbott) AND
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IN THE UNITED STATES DISTRICT COURT

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JOHN MCALLISTER

Plaintiff,

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UNIVERSITY OF HAWAII, *et al.*,

Defendants.

) CIVIL NO. CV 04 00625 JMS BMK

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) CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was duly served upon the following by hand-delivery (HD) or United States mail, first class postage prepaid (M), as indicated, upon the following:

ANDRE S. WOOTEN, ESQ.

(M)

1188 Bishop Street

Century Square, Suite 1909

Honolulu, Hawai'i 96813

DATED: Honolulu, Hawai'i, September 21, 2005.



RUTH I. TSUJIMURA

RYAN M. AKAMINE

CHRISTINE TAMASHIRO

Attorneys for Defendants

UNIVERSITY OF HAWAII,

KAPI'OLANI COMMUNITY

COLLEGE, JANE CALFEE, JILL

MAKAGON (incorrectly identified as

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MONA LEE